

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, JANUARY 24, 2022 - 6:00 P.M. - 8150 BARBARA AVENUE**

**1. CALL TO ORDER:**

The City Council of Inver Grove Heights met in regular session on Monday, January 24, 2022, in person. Mayor Bartholomew called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

**2. ROLL CALL:**

Present In-Person: Mayor Bartholomew, Council Members: Dietrich, Murphy, Gliva, Piekarski Krech; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Civil Engineer Moser, Assistant City Engineer Dodge, Community Development Director Rand, City Planner Hunting, Parks and Recreation Director Lares, and Public Works Director Connolly.

Also Present:

**3. PRESENTATIONS:**

**4. CONSENT AGENDA:**

**A.** Minutes from the December 13, 2021, City Council meeting.

**B. Resolution 2022-012** approving disbursements for period ending January 18, 2022.

**C.** Approve personnel actions.

**D. Resolution 2022-013** approving the submission of the City's Minnesota Pay Equity Implementation Report for the year ending 12/31/2021.

**E. Resolution 2022-014** closing Heritage Village Park Projects 1622 and 1707.

**F. Resolution 2022-015** closing the recreation fund and transferring residual balances to the general fund and parks capital replacement fund.

**G.** Authorization to enter into contract for 2022 Lobbying Services.

**H. Resolution 2022-016** approving amended and restated joint and cooperative agreement for the Municipal Legislative Commission.

**I.** Approve individual massage therapist at Inver Grove Chiropractic - Nicholas Strand.

**J.** Approve proposal with US Aquatics for the replacement of the pool filtration, pumps, and chemical feed systems.

**K. Resolution 2022-017** approving Union Pacific Railroad Company reimbursement agreements for preliminary engineering services for City Project No. 2016-17 - 117th Street Reconstruction.

**L.** Approve custom grading agreement and storm water facilities maintenance agreement for 9178 Dalton Ct.

**M. Resolution 2022-018** to authorize and accept 2021 donations and sponsorships to the Parks and Recreation Department.

**N.** Approve portable toilet contract.

**O.** Approve Legal Service Agreement - Landfill Matters.

Councilmember Dietrich requested pulling Agenda Item 4O.

**Motion by Murphy, second by Gliva, to approve the Consent Agenda with the exception of Agenda Item 4O.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Agenda Item 4O. Approve Legal Service Agreement - Landfill Matters.**

City Attorney Bridget McCauley Nason stated this proposed Consent Agenda Item is related to specialized landfill matters that the City is recommended to engage with outside Council on at this time regarding potential landfill related issues.

Councilmember Dietrich said she is extremely concerned with the cost that could be incurred with this. She asked how they got into this situation.

City Attorney McCauley Nason responded the proposed Legal Services Agreement is with the Greene Espel Law Firm. The Firm provides a number of specialized litigation and other services. They are often appointed as the League's Insurance Counsel, in those types of situations in which the League is serving to indemnify cities. In this case, the Greene Espel Law Firm has assisted the city in the past when there were issues that arose with respect to the Dawn Way Frattalone Landfill related to the Host Community Agreement and NCUC issues. She said the Firm successfully assisted the city with mediation in a matter which resulted in an Amendment to the Host Community Agreement and Non-Conforming Use Certificate. At this point the city is in a position where it is recommended their expertise in these contractual landfill issues could benefit from having that Law Firm involved as the city moves into implementation of new Host Community Agreement terms based on the issuance of Certificate of Need by the MPCA.

Councilmember Dietrich said she does not doubt they could do a good job, she was surprised to not see a competing bid because of the potential cost of this. She asked if there was a competing bid. City Attorney McCauley Nason replied there is not a competing bid. They were the only Law Firm approached on this issue based on their expertise in dealing with litigation, contractual issues, and with the city's Host Community Agreements and Landfills. She said her understanding was they are the only Law Firm that has assisted the city in the recent past with these types of issues.

**Motion by Piekarski Krech, second by Bartholomew, to approve Agenda Item 4O. Approve Legal Service Agreement - Landfill Matters.**

**Ayes: 5**

**Nays: 0      Motion carried.**

To note: (Mayor Bartholomew asked the City Attorney if the Mayor was allowed to second the Motion. City Attorney McCauley Nason responded in the affirmative).

**5. PUBLIC HEARING:**

**A. Public Hearing to Consider Resolution Ordering Project and Authorizing Preparation of Plans and Specifications for the 2022 Pavement Management Program, City Project No. 2022-09E - Alison Way Area Rehabilitation. Resolution 2022-019**

Civil Engineer Jake Moser gave the following presentation for City Project 2022-09E, Alison Way Area Street Rehabilitation Public Improvement Hearing.

Project Background:

- Single Family Home Development located in the southwest corner of the city, north of Cliff Road, east of Highway 3/Robert Trail.
  - Platted as Southern Lakes
  - 242 Homes
- Includes 5.0 lane-miles of urban street with curb.
  - Constructed from 1998-2000

- Past Maintenance:
  - Sealcoat in 2014
  - Miscellaneous patching

**Project Progress:**

- Initiated by the City Council through the Pavement Management Initiative
- Council ordered a Feasibility Report in October 2021
- Staff hosted virtual and in-person open houses to share feasibility findings with residents in early December
- Council received the Feasibility Report on December 13, 2021
- Staff hosted another virtual information meeting with residents in January
  - Staff shared a proposed schedule update: Holding the Assessment Hearing after construction. The Feasibility Report initially proposed it prior to construction

**Feasibility Recommendations:**

- 2" Mill & Overlay
  - Grind and replace the upper 2" of pavement
  - Additional 2" corrective milling as needed
- Spot curb replacement
  - Limited to structural failing curb, not just hairline cracks or aesthetic issues
- Minor utility improvements
  - Storm drain and manhole adjustments

**Project Cost/Budget: Total Project Costs:**

- Streets: \$1,156,000
- Sanitary Sewer and Watermain: \$160,000
- Storm Sewer: \$192,000
- Total Estimated Project Cost: \$1,508,000

**Total Project Funding:**

- Pavement Management Fund: \$232,000
- Water and Sewer Funds: \$160,000
- Stormwater Utility Fund: \$38,000
- Special Assessments: \$1,078,000
- Total: \$1,508,000

A slide of the project area was shown with the assessable properties and streets. There is a portion of Alicia Circle that goes into Eagan. Eagan overlaid that portion of the street two years ago; it will not be included in this project. The map shows the 242 single family properties on the assessment roll, including two city owned properties.

**Special Assessments:**

- Per City Policy, 80% of street and storm costs are assessed to benefitting properties.
- Single family lots are assessed on a uniform per parcel basis. All properties pay the same proposed assessment.
- A Special Benefit Analysis was performed by an Independent Appraiser.
  - \$9,600.00 Special Benefit Cap per single family residence.
- 242 single family lots are included on the preliminary roll.
- Proposed Assessment is \$4,207.33.
- Recommended 5-year term.

**Revised Project Schedule:**

- January 24, 2022. Council is being asked to consider ordering the Improvement Hearing and ordering the Plans and Specifications.
- If approved, final plans would be prepared and approved at the February 14, 2022 City Council Meeting.

- Bid Opening: April 5, 2022.
- Back to the City Council to received bids and award project: April 25, 2022.
- Begin Construction: May 2022.
- Substantial Completion: August 2022.
- The schedule adjustment recommends holding the Assessment Hearing after construction. If the project comes in under budget for construction, final assessments would be based according to the policy calculation of 80% but based on final project costs.
- Assessment Hearing would be held: October 2022.

**Recommendations:**

- Open and hold the Public Hearing.
- Adopt Resolution:
  - Order project
  - Authorize preparation of plans and specifications
  - Approve revised schedule

Councilmember Piekarski Krech asked what the general feeling was at the public meetings. Civic Engineer Moser responded people were surprised by the Assessment Policy for Mill and Overlay's. Staff and the project team did their best to explain that was the policy for local improvements and is a fair way to fund local road improvements. A few asked to delay the project and not pay assessments. A couple of people expressed support understanding that the improvements are needed before it is too late and becomes more costly in the future.

**Motion by Piekarski Krech, second by Gliva, to open the Public Hearing at 6:13 PM.****Ayes: 5****Nays: 0      Motion carried.**

Mayor Bartholomew mentioned the Public Hearing is open. Anyone wishing to speak, please keep to 3 minutes. Questions will be recorded and presented to Staff to answer when everyone has had the chance to speak.

Susan Schaumann, 9136 Tyne Lane, asked how they went from \$4,060 to \$4,200. She said if the assessments are done after construction and the cost goes down it would be adjusted. She asked if it would be adjusted if the cost goes up. She mentioned this was a huge surprise and questioned why the roads were not maintained all along like the city of Eagan did, which is five houses down from her. She said she is a single parent and is expected to shell out over \$4,000. She was unsure where that could come from. She heard it could be delayed for five years, but that adds interest, and she would be paying more. She was unsure where she could get that from.

John Loehr, 10786 Alberton Way, said he is not here to disagree that there are infrastructure decays that happen. He agrees the roads need maintenance. He attended open houses and asked questions of Engineers Moser and Seaburg (Bolton & Menk, Inc.). Both were open, candid, and helpful. He said he learned about core samples that were taken from his neighborhood but still had some questions that were unanswered. He asked why their neighborhood now. He asked what process has been undertaken to survey all streets in the city. He said maybe it is streets that are 15 years or older with curb and gutter. He asked if 100% of the streets have been assessed and ranked in priority order worst to best. He said for example: a home with shingles with 10 years left, at the same time there is a furnace in need of repair in one year, and a dishwasher in need of repair in six months. He asked what the most fiscally responsible thing to go after first was. He mentioned he has numerous examples of other streets in Inver Grove Heights that are in a different stratosphere in terms of decay. He is not saying his

neighborhood will not need it in time. He has many pictures he has taken from driving around twice for 30 minutes in Inver Grove Heights. He referenced 96<sup>th</sup> East, south of his location, it has curb and gutter and is on a different level than his neighborhood. He said he is not saying they are not going to need repairs; he is asking if all streets have been assessed. He said he learned from Engineers Moser and Seaburg that the likely root cause of what is going on is that the base has turned to mush and is the result of poor sealcoating that has been occurring over the last 20 years. This huge investment goes into their neighborhood, he asked how they can guarantee them that in five years when the first sealcoat goes on, it is going to continue to work. He is supportive of what is going on. He has seen some of the streets on next years plan and one is awful. It is a different level than his neighborhood. He looks for a full survey with core samples of all of the neighborhoods and streets in the city. He commented it seems prudent to do a rank order from worst to best. He said he would communicate out to residents, which the city has done a good job of with the open houses. He said a number of years ago when Franchise Fees were put into effect, he was not a fan, he thinks it is a tax. He now sees the value of a Franchise Fee which is about fairness for everyone; homes, apartments, neighborhoods. His recommendation is that Franchise Fees should be bringing in roughly an extra \$1 million dollars in revenue. He suggests raising it by 150%, bringing in \$2.5 million dollars to help offset. It could help be a bigger communication to the City of Inver Grove Heights if coming up with a Comprehensive Plan for all streets.

Dennis Burke, 10754 Amherst Way, said he was taken aback when he received the letter. He was out of town for a few weeks and missed the open house. He was taken back by the 80% charge to the homeowner, it seemed excessive to him. He was unsure what the policy was. Tonight, was the first time he noticed that it was a city-wide policy for 80% of the cost to be assessed to the homeowners. He asked if that was the case throughout the city for any street assessment, or if there are special circumstances depending on the areas it is done. He was shocked at the 80%. He said he had some street work done when he lived in Farmington about 20 years ago, he does not remember the exact percent but felt it was more in the 30% to 40% range.

Arlene Moehring, 10947 Alexandra Court, said she has the same concern about the likelihood of the cost going up. She heard it said if assessments were down, it would be adjusted accordingly. She would like to see a cap on assessments if they go up. She said she believed comparable projects had been done in the city, she felt a good estimate could be done of what it should be to not allow it to go over. She said she would like speed bumps to be included. She has asked about them previously and has been told Inver Grove Heights approach is that they do not like doing that. She said they are avid walkers, and she cannot tell them number of times they have almost been hit. She believes speed bumps are warranted if this is being done for the safety and future of their neighborhood. She believes speed bumps are a worthy consideration to be put into the mix.

Ms. Schaumann said a resident had commented on five years. She thought she had heard something that this work/assessment was supposed to last 10 years. She has lived in her home for 20 years and her streets are not in horrible shape, they need a little bit of work, but not this much, this expensive. She said they are telling them they would need to outlay this much money for 10 years. She said anybody that has to do the five-year thing because they do not have a choice, she would not have to pay anything, but when getting to five years she would have to start all over again paying this. She said if she needs a new furnace, she has to choose between getting the street done or getting a new furnace. She commented that does not seem right. She said she does not understand why over the years, they have had gravel and oil put down, yet five houses down from her in Eagan, their roads look much better. She said she was unsure what Eagan has done, maybe it can be done that way. She said she noticed there was an increase in taxes this year. She is wondering if they are charging all of this money for this, what they are doing with the rest of her taxes.

Mayor Bartholomew asked Civil Engineer Moser what would happen if the project came in over the estimate. Civil Engineer Moser responded if construction costs over ran the preliminary estimate, the Council will have the opportunity to choose to raise the estimate, if it is the policy calculation of 80% of street and storm costs. That policy still applies, but knowing the final construction costs after the fact, the assessments could go up. He said the Consultant Engineer that prepared the estimate had expressed a high degree of confidence in the preliminary estimate. The main cost is bituminous mix. The Consultant, Bolton & Menk, had done quite a bit of outreach to local contractors and forecasted the cost increase expected, which has been accounted for in the preliminary estimate. He said it could go up but has a high degree of confidence in the preliminary estimate they would deliver.

City Administrator Kris Wilson said the action tonight prepares the plans and specifications and then are taken out to bid. The contract would be awarded April 25<sup>th</sup>. At that time, they would know the contract costs. The Council always has the option to not proceed with the project if it is coming in significantly higher than they thought. She said there would be some uncertainty remaining but there will be more certainty before the Council locks in the decision to do the project. The decision this evening is to order the plans and specifications. It does not obligate the Council to actually proceed with the project until they award the Contract on April 25<sup>th</sup>. Civil Engineer Moser agreed that April 25<sup>th</sup> is when the Council would know the contractor bid prices.

Mayor Bartholomew said when the bid is received, they would know whether or not they want to proceed. They would know if the cost was going to go the point that they do not want to proceed because it was too high. Those decisions would be made at that time.

Mayor Bartholomew mentioned a Street Survey was another point brought up. He asked if the Civil Engineer could recap the Street Survey process, the Capital Improvement Plan and how they rank streets, and how they have them in the order they are in. He requested sharing about where the public can find the information about Capital Improvements/Street Survey's on the website. Civil Engineer Moser said he might defer to the Assistant City Engineer for help with some of the questions but would respond to those he knew of.

Civil Engineer Moser addressed the comment from the resident from Tyne Lane who said they were surprised by the change in the assessment. He said the Tyne Lane project would have a separate Public Hearing right after this item. They are two separate projects with different costs and assessments. There would be another opportunity to talk about that project with the next item.

Assistant City Engineer Steve Dodge wanted those in the audience know Staff appreciates their engagement, suggestions, and questions. The history with assessments and the street program goes back to 2001 when the policy was put together. It was not instilled until 2004. 80% has been utilized since then. That assessment has been intact for different percentages for reconstructions, mill and overlays, and partial reconstruction ever since that timeframe. The history of pavement management in Inver Grove Heights is the roads that were built in the city were built on poor subgrade soils because that is the majority of subgrades in the city. That means when roads were built in the 80's and 90's they were 20-year roads. Those roads were going to deteriorate within 20 years, with building them in the 80's and 90's it is all coming at them at once. He said that was the history of why they are where they are. They are not unique in the metro, there are other cities that are also trying to address this. Last year there was an approved 10-year PMP Program. There is a 5-year CIP Program approved by Council in 2020 for 2021. What happened is they acknowledged with leadership that the plan needed to be revised to use the most cost-effective approaches in order to extend the life of the pavement in the city. They cannot change the subgrade; it would not be cost effective. In order to make this happen, there is

a rehabilitation initiative on the website. This is going through a Citizen's Task Force of 15 citizens who would make recommendations to Staff and Council based on a very in-depth 6-month study. There is going to be a revised Pavement Management and Capital Improvement Program coming in 2022 that better extends the life of the pavement at the most cost-effective approach. He addressed those in the audience and said they are looking into that, they hear the citizens, that is why in the last year they have been doing a relook at what the program is.

He referenced a comment asking about testing our streets and said going back to 2014, recognizing they had 30 to 40% of streets in disrepair and would have to be looking at doing something with all of these streets, three different massive pavement investigations were done on about 120 miles of city streets. The city has been testing streets, doing core samples, gravel verifications, and sometimes checking subgrades with massive geotechnical reports by professionals that go out and test roads. Those reports have recommendations. He said those were the steps being taken. They have work to do to get the pavement condition at a rating all are comfortable with. He said they are not there yet and would have to use the dollars they do have the best they can.

Mayor Bartholomew mentioned the Survey was public, that information can be given to anyone that wishes to look at it. Assistant City Engineer Dodge responded the survey's that are done are over 1,000 pages long. It deals with miles and miles of streets with a lot of technical data. If needed Staff may be able to share an abbreviated version of the report or a spreadsheet, whatever the Council would like, with the public.

Mayor Bartholomew suggested looking into that. He mentioned there is information that may be attained by the public such as surveys that look at core samples and miles covered. He asked about the three surveys in recent history that were mentioned. Assistant City Engineer Dodge responded the surveys were done in 2014, 2019, and 2017/2018.

Mayor Bartholomew asked about speed bumps. Assistant City Engineer Dodge responded Staff would refer that type of question to their Traffic Committee. The general overview is that it is a bigger picture question on policy because it has to do with public safety, plowing, and other entities. There are other things to consider when doing a speed bump. It would be more of an Administrative, Traffic Control Committee, and Public Works Director question for review and a more thorough response.

Mayor Bartholomew asked if there was a policy on speed bumps. Assistant City Engineer responded there is not a written policy of which he is aware. It has been reviewed in the past by Public Works and Administration. He said the suggestion by the Public Works Director, who is responsible for traffic signing, was based on their reaching out to experts. Speed bumps in winter conditions, with public safety and the fact that they do not necessarily aid as people would like. There are other street calming ways to affect speed other than speed bumps. Those types of discussions are pretty extensive and not something that could be answered tonight.

City Administrator Wilson asked Assistant City Engineer Dodge if he was aware of any public city streets that currently have speed bumps. Assistant City Engineer Dodge responded there were none of which he was aware.

Councilmember Murphy asked if the PCI Index was online or on the website. Assistant City Engineer Dodge responded he was unsure. In the pavement management initiative, they had displayed a diagram of the PCI Index and options on how dollars were invested and how that PCI Index can change. He said they would have to go to the program that helps with the pavement management

program and the software they use to update the current PCI Index. At this time, they are not where they would like to be with that.

Councilmember Dietrich asked for a synopsis on how this road was chosen over some. She understands what the residents are saying when driving that some roads appear worse. She asked if there was something he could say to help understand it better. Assistant City Engineer Dodge responded when looking at re-evaluating the approach last year in 2021, the idea was to find the most cost-effective streets in order to use dollars the wisest. A mill and overlay can do many lane miles of roads, five times that of a reconstructed street. Reconstructed streets are very expensive and have a lot of disturbance. The less disturbance that can be done, the more pavement they can get done. The less curbs and driveways are disturbed, the more pavement; that is where they want the dollars to go. The focus is to treat their assets like curb and utilities, as an asset that reaches its life at different timeframes. They want to let them deteriorate but maintain them to a point that 80-100 years into a road, they are reconstructing it. They want assets like watermain and sewer to deteriorate so it makes sense to do a full reconstruction of a neighborhood. He said if concentrating on getting pavement miles done, that is why these projects were selected. He mentioned that three times more money is spent on a pavement replacement project. Everyone, the city, citizens, taxpayers are getting the most pavement done by using the mill and overlay streets available. If letting those streets go into disrepair, which is the next step, they would have to replace the whole pavement, bringing the cost of the project to become three times more. That is why those streets were selected. Currently they are a prime candidate for mill and overlay which is the most cost-effective approach they can use.

Councilmember Dietrich said one resident mentioned being there for 20 years and being concerned about having to save for a future project that may be 10 years off. She asked if Assistant City Engineer Dodge could give her assurance as to what that plan looks like going into the future. Assistant City Engineer Dodge responded the proposed improvement mill and overlay will last 10-15 years, most likely longer. The idea is to have a five-year assessment. Staff anticipates not being back on that street for another 15+ years. That is why they want to do the mill and overlay now and not let the pavement go into further deterioration where they have to replace the full pavement.

Mayor Bartholomew asked where ongoing preventative maintenance fits into this. For example, they finish the mill and overlay, he asked what the next step was for preventative. If it was 3-year, 5 year, or by survey. Assistant City Engineer Dodge replied every 7 years they have been doing sealcoats on roads that are in good enough shape to do sealcoating on. They also do a crackseal program. He said one of the most important programs they do is the crackseal program where they seal the cracks in the road to stop water from getting into the subgrade. He said for those that have seen projects like Broderick Boulevard, they understand what water and salt getting in cracks can do. He said they continually/annually spend between \$100,000 to \$250,000 on cracksealing every year.

Mayor Bartholomew asked how they get to those. He requested a run through of the procedure, how it is determined who is ready for the crackseal, and who is ready for the other treatment. Assistant City Engineer Dodge responded they would be re-evaluating the sealcoat program in the future. The current policy is to try to get the crackseal/sealcoat in the first 3-5 years of a new road. They would continue about every 7 years doing a crackseal/sealcoat to extend the life of the road. What has occurred throughout the metro is they are learning that sealcoats 15 years out are starting to show some failures. This is something the citizens are seeing, and Staff has been observing. This is something they would be looking into with Civil Engineers and experts. There have been studies done statewide, information has come back about the use of sealcoats. The process is to keep track of a roads age, condition, and cycle approximately every 7 years, to cycle in getting a crackseal and/or sealcoat on that road.

Mayor Bartholomew stated the Council is here to consider ordering the project and moving forward to the next step. Firmer numbers will be received and can be evaluated at that time. There is a Benefit Cap Analysis of \$9,600 and a per Policy Assessment of \$4,200. They would find out more when the bid comes in.

Mr. Loehr said he was not convinced that the Sealcoat Maintenance Program is going to work. The perpendicular cracking that frequently goes on, especially around manholes, with what he has learned in attending the open houses, is that mill and overlay will not prevent it. In 2-3 years, that would probably reoccur. He said they have heard there are some issues with the whole sealcoating process. That is his first concern. He said he can drive around for 30 minutes and find six neighborhoods that visually look worse than his street. He said he has pictures of what it looks like just south of here. He questioned if there was a ranking of all of the streets that could be made available. He said he has noticed the one and two year plans out there, a ranking of all streets would be helpful.

Kevin Langstraat, 10790 Amherst, asked what the policy of the city was. He said he heard it was more about getting miles completed and not fixing the terrible roads. That is what he would like a better understanding of.

Assistant City Engineer Dodge replied the Citizen's Task Force was looking for guidance on that exact question. Until they hear back from the Task Force, they would use their dollars wisely. With this cycle, they are choosing to look at streets they can repair and extend their dollars the most. They are still doing other projects such as full depth reclamation or reconstruction projects. It is a multi-use approach in how they are looking at the Pavement Management Program. They are not only going to do mill and overlays. Some neighborhoods addressed in the conversation are neighborhoods that have poor roads and are not mill and overlay candidates. Those would be looking at a partial reconstruction or a full depth reconstruction, which cost more money. He said all roads are rated, there is a color-coded map that could be added to the Pavement Initiative page if the Council would like to share that. Mayor Bartholomew responded he believes they should and share it with Mr. Loehr.

Assistant City Engineer Dodge mentioned that just looking at the poor roads and saying they should go there is not always the best way to use their dollars. If there is a mill and overlay project at an effective cost it could extend the life of the pavement before it gets into a more costly repair. That is the best use of dollars. That is why these projects were suggested. He said they are still doing a reconstruction on Carleda, which will be coming before the Council in February. Staff is still trying to do a multi-use approach, but it is all about funding. He said Staff needs to go through the process of updating the 5-year CIP in 2022 along with the Citizen Task Force guidelines, and guidance from the Council. Staff would be able to unveil a longer, broader program and inform and work with the public earlier, get projects done earlier to have benefits, such as bidding projects earlier for competitive bidding and cost savings. There is a general plan but looking to get to that point in 2022.

Mayor Bartholomew requested a quick overview about why this street right now. He asked how this got here. Assistant City Engineer Dodge responded why they are recommending these overlays is because it is the most cost-effective approach for this neighborhood and for the city's Pavement Management Program. They do not want to see these pavements deteriorate to the point where they would have to use a more cost-effective technique like a full depth reclamation. He said the pavement on the bottom section of this road is in good shape. They want to take off the upper layer which is in need of repair so they can repave it. The bottom two inches are in good shape, they can extend the life of the road that way.

Ms. Schaumann, Tyne Lane, asked if the work that is done on the streets is dependent on the type of traffic that goes through. If it tends to be more residential or a main road with more trucks. She asked if there was a difference in the type of pavement and the type of work that is done. Civil Engineer Moser responded yes. On neighborhood streets the standard section is for 4 inches of asphalt pavement. On collector roads like Cahill, there are 6 inches of pavement and more gravel base. A more robust road is built for collector streets.

Mr. Burke, Amherst Way, said he understands the 80% policy. He was confused about the difference between resurfacing versus a full reconstruction. He asked if it was still 80% if it was a full reconstruction of a residential road. He asked if that was a different category within the city policy. Assistant City Engineer Dodge replied the percentages change in accordance with the rehabilitation or reconstruction method. A reconstruction road costs at least five times more than an overlay would and is generally a 35% assessment policy. Assessments end up being much higher than the assessments being proposed here. The partial reconstruction is the next level and are assessed at 55%, the city pays 45%. Those typically replace the full depth of pavement, maybe doing something with the gravel, more curb work. Then they go into the more rehabilitation style consisting of pavement replacements and mill and overlays, those are 80% assessed.

Assistant City Engineer Dodge stated when they get to the Assessment Hearing, which is proposed in the fall, the Council can guide it. It has usually gone down due to competitive bids and notices a cost savings on the construction and administration side. For those reasons, the total project budget has typically been less than what was estimated. That is a good reason to do assessments at the end. In this case the Appraiser's Special Benefit is \$9,600 where the proposed assessment is much lower. The Council always has the option to address assessments at the Assessment Hearing. They have chosen in the past a cap, for example it is \$4,200 today, instead of raising it a small amount such as \$4,250 or \$4,300, the Council has kept it capped at \$4,200 with the PMP taking up the difference.

Mayor Bartholomew asked if Bolton and Menk did the analysis for this. Assistant City Engineer Dodge responded Bolton & Menk did both Alison Way and Tyne Lane.

Mayor Bartholomew asked if Staff has shared the information from Bolton & Menk with property owners. Assistant City Engineer Dodge responded Bolton & Menk were with Civil Engineer Moser at the information meetings. The Feasibility Report has been shared.

**Motion by Dietrich, second by Gliva, to close the Public Hearing at 6:59 PM.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Councilmember Piekarski Krech said she would make the Motion because there was still a chance to look and see how it comes in. In other cases, if it has come in too high, they have not gone ahead with the project.

Mayor Bartholomew agreed. He thought it was a wise move to get it ordered and in the bidding queue. It has been his sense in the past that these typically come in lower and to the benefit of the assessed.

**Motion by Piekarski Krech, second by Gliva, to approve Resolution 2022-019 Ordering Project and Authorizing Preparation of Plans and Specifications for the 2022 Pavement Management Program, City Project No. 2022-09E - Alison Way Area Rehabilitation.**

**Ayes: 5**

**Nays: 0 Motion carried.**

Mayor Bartholomew mentioned that Mr. Dodge and Mr. Moser would be happy to provide any information that residents may be looking for. He said if there were any questions or problems that residents did not feel they were getting answers to, let a Council Member know.

**B. Public Hearing to Consider Resolution Ordering Project and Authorizing Preparation of Plans and Specifications for the 2022 Pavement Management Program, City Project No. 2022-09F - Tyne Lane Area Rehabilitation. Resolution 2022-020**

Civil Engineer Moser gave the following presentation for City Project 2022-09F, Tyne Lane Area Street Rehabilitation Public Improvement Hearing.

Project Background:

Located in the southwestern area of the city, north of Highway 3, west of Jefferson Trail. On the Eagan Border.

- Single Family Home Development.
  - Platted as Coventry Pass
  - Includes 127 Homes
- 2.8 lane miles of urban street with curb.
  - Constructed between 1997-2001
- Past Maintenance:
  - Sealcoat in 2011
  - Miscellaneous patching

Project Progress:

- Initiated by the City Council through the Pavement Management Initiative.
- Council ordered a Feasibility Report in October 2021.
- Staff hosted virtual and in-person open houses to share feasibility findings with residents in early December.
- Council received the Feasibility Report at the December 13<sup>th</sup>, 2021 Meeting.
- Staff hosted a virtual information meeting with residents: January 2022.
  - This neighborhood group was also presented with the revised schedule proposing the Assessment Hearing be held after construction.

Feasibility Recommendations:

- 2" Mill & Overlay:
  - Grind and replace the upper 2" of pavement
- Spot Curb Replacement:
  - As needed
- Minor utility improvements:
  - Storm drain and manhole adjustments

Project Cost/Budget:

Total Project Cost:

- Streets: \$526,000
- Sanitary Sewer and Watermain: \$80,000
- Storm Sewer: \$119,000
- Total: \$725,000

Total Project Funding:

- Pavement Management Fund: \$105,000
- Water and Sewer Funds: \$80,000
- Stormwater Utility Fund: \$24,000
- Special Assessments: \$516,000

- Total: \$725,000

Special Assessments:

- Per city policy for Mill and Overlay projects, 80% of street and storm costs are assessed to benefitting properties.
- Single family lots are assessed on a uniform per parcel basis.
- All property owners would be paying the same preliminary proposed assessment of \$4,060.05.
- A Special Benefit Analysis was performed by an Independent Appraiser.
  - \$8,800.00 Special Benefit Cap per single family residence.
- 127 single family properties.
- Mill and Overlay term is recommended at 5 years.

Project Schedule:

- Council is being asked to order the project and order plans and specifications: January 24, 2022.
- Bidding in March.
- Bids open in April.
- Council would be asked to receive the bids and consider awarding the project at the April 25<sup>th</sup> City Council Meeting.
- Begin Construction: May 2022.
- Substantial Completion: August 2022.
- Assessment Hearing Information Meeting: September 2022.
- Assessment Hearing following construction: October 2022.

Recommendations:

- Open and hold Public Hearing
- Adopt Resolution
  - Order project
  - Authorize preparation of plans and specifications
  - Approve revised schedule

**Motion by Gliva, second by Murphy, to open the Public Hearing at 7:06 PM.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Piekarski Krech, second by Murphy, to close the Public Hearing at 7:07 PM.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Gliva, second by Murphy, to authorize Resolution 2022-020 Ordering Project and Authorizing Preparation of Plans and Specifications for the 2022 Pavement Management Program, City Project No. 2022-09F - Tyne Lane Area Rehabilitation.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**6. REGULAR AGENDA:**

**A. Consider request for approval of rental housing licenses (6)**

Community Development Director Heather Rand presented the following 6 Rental Housing License Applications:

- 3800 67<sup>th</sup> Street East - Kimberle Rogers
- 7580, 7590 Cloman Way - Patrick Bagan
- 2454 49<sup>th</sup> Street - Cory and Jill Wagner
- 7952 Charles Way - MN Capital Mgmt (Hunter Messerschmidt Property Manager)
- 7361 Degrio Way - Kimberly Rinehart
- 7575 Cloman Way - Martin Schreier

Applications were found to be complete by Staff and were reviewed by the Police Chief/Designee. Staff recommends approval of all 6 Rental Housing Licenses.

**Motion by Dietrich, second by Gliva, to approve the 6 Rental Housing Licenses as presented.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. Consider a Resolution approving a Comprehensive Plan Amendment to change the land use designation from LMDR, Low-Medium Density Residential to LDR, Low Density Residential for property located at 1401 70th Street. Resolution 2022-021**

City Planner Allan Hunting stated Summergate Development has made application to change the land use designation from LMDR, 4-8 units per acre, to LDR, 1-4 units per acre. The property is a 77-acre parcel with 70<sup>th</sup> Street to the south, South Robert Trail a bit to the west, and Arlene Avenue to the east. Current development in the area includes the Canvas project 40 acres to the southwest. The request is to change the designation from the current LMDR to LDR, lowering the proposed density for the site. Staff has reviewed this item. The site has a lot of constraints, a lot of topography, a large waterbody, wetlands, and a pipeline easement that runs through the land. He stated the Developer has been looking at multiple designs for the project trying to see if they could make it work with the current designation. They are having difficulty with that and the product type they would like to do, which is assumed to be primarily single family. The Developer cannot make it work to get the units there. What was found is that of the 77 acres only about 44 are developable, which is a significant reduction on what they can do on the site. Lower density could be a better transition from the larger lot development to the east, as a transition from where there is single family with higher density, transitioning down to an LDR, and then transitions to the existing 2.5 acre. Staff believes it makes a better fit than the current plan as they are learning more about the site itself. It is also consistent with the guiding of the other vacant parcels in the area and some to the south of 70<sup>th</sup>.

He stated financial considerations were looked into. If it goes down in density there would be an issue with the unit count. The Developer would have to pay that difference. If the plan came in at a lower unit count than what the assumptions were based on the existing zoning for the financial model, that would be worked in as they get to any plans. The reduction would also have a minimal density on the city overall. The overall in the Comprehensive Plan is projected at 4.43 units/acre, this would bring it down to about 4.33. Staff does not see an issue with a reduction in the northwest area in general. If this plan is successful and approved, the Applicant would have to come back in and submit their detailed site plan. Council is not reviewing any site plan tonight. This is strictly as a reduction in the density change of the Comprehensive Plan, if it makes sense, and if the Council is supportive of that. Staff believes this seems to be a good change of land use with all of the constraints. The financial can be addressed. They believe it is a better mix with the existing and future proposed vacant land. Staff supports the Comprehensive Plan change as proposed.

Mayor Bartholomew asked regarding the Applicants cost with the pay differential from LMDR and LDR, and if the Applicant was fully aware and understands they are responsible. He asked if this piece of

property is in the MUSA line. City Planner Hunting responded the Applicant has been made aware from the beginning. That would be worked out once detailed plans are submitted and determining what the unit count is. They could start making some preliminary calculations on that. He agreed the property was located in the MUSA line.

Brian Tucker, Summergate Development, Lakeville, thanked Staff for helping them through the process. He said if the Council decides that the change to low density is appropriate for the area, they would fast forward their plans for a preliminary review. They understand that a neighborhood meeting would be required, they have those notices ready to go. The discussion at the Planning Commission Meeting raised a lot of questions in terms of the area and the appropriateness or rationale for changing to a lower density. They also had comments from neighbors as to what they wanted them to think about as they move forward with preliminary plans.

Mayor Bartholomew was happy he had conversations with the neighboring communities and that they are willing to work with them. He mentioned this was just a proposed Comprehensive Plan Amendment, nothing is being spoken about where the homes are going and what they would look like.

Craig Hillegas, 6755 Arlene Avenue, neighbor to the east of this development. He mentioned talking with the residents of Athena and Arlene Avenue, all were in support of the lower density. They would like to see even lower. He said there is larger acreage, 2.5 to 3 acres with the area to the east, there is 5-20 acres to the north, and more acreage to the south. They would like to see this limited to the low end of low density, maybe 1-2 per acre, for the fact that the transition between large estates to the Canvas area needs to be mitigated and put to a lower density. He said there are a lot of developments that come in and take away trees and level out hills. They do not want to see that in this area. They would like to see Developers use the area as it is, keep it natural. He said they would be in favor of the lower density with the statement that they would like to keep it as low as possible. He commented that the density should be set by the Council, they cannot be concerned with the cost effectiveness of a Developer coming in to do this. It made sense to do low density, he would like to see it even lower.

Richard Whelan, 6680 Arlene Avenue, said he wanted to reflect what his neighbor just talked about. They moved into Inver Grove Heights in 1995. They actually built on a piece of property with trees and the surrounding area. Looking at what is happening to the west of them, the defoliation that is occurring in that area, he is amazed and alarmed. He referenced 1997 after they moved in, there was a community meeting at the High School. They were all invited to come and give input. He remembered the Vision Statement that was stated, the second paragraph had a phrase talking about future growth and development reflecting the heritage of the community. When he and his wife looked for property in the city, the heritage they saw here was a very rural community, it was very open area. It was nice to have that and be able to participate and enjoy that type of an area. What he sees happening now is the demands for more and more structure and people to move into the area, it is getting out of balance, especially in the northwestern quadrant. He said there seems to be a major focus on trying to develop that area. He said it is understandable that cities need to grow, he suggests doing it consistently and being careful, once the trees are gone, they are gone. It would be a shame. He recalled at the meeting in 1997 several people had said they did not want to become Eagan. They did not want to see that everything gets paved over and built up. He hopes that Council will consider that and the Vision Statement from the past would guide them as they go forward with a decision.

Mayor Bartholomew asked with this in MUSA, what the smallest density allowed would be with LDR. Mr. Hunting responded LDR ranges from 1-4 units per acre.

Andy Hansen, 6750 Arlene Avenue, said he is in support of what his neighbors are saying about the area. He thought it could be early as far as development occurs, but one of their main concerns is connecting different thoroughfares. They have heard about Arlene Avenue being connected to a potential 65<sup>th</sup> Street. He said it did not seem to make any strategic sense. He referenced Athena Way and said it did not seem to make sense that any of those types of connections would ever take place. They do not appear that they would add anything to the flow of traffic which would be predominantly east and west. Those thoroughfares/streets would take major reconstruction to even make them feasible, making them cost prohibitive, especially if assessed to all of the neighbors. He was in agreement with what others have said.

Mayor Bartholomew mentioned that they are not discussing roads this evening.

Mayor Bartholomew said he thought it made sense. The property would be in the MUSA line, it is a good buffer, he would support it. He said the Planning Commission made a very good assessment and recommendation.

Councilmember Murphy agreed it was a nice transition, the change makes sense.

**Motion by Murphy, second by Gliva to approve Resolution 2022-021 approving a Comprehensive Plan Amendment to change the land use designation from LMDR, Low-Medium Density Residential to LDR, Low Density Residential for property located at 1401 70th Street.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. Consider the following actions for property located in the northwest quadrant of Hwy 3 and 70th Street:**

**1. A Resolution approving a Comprehensive Plan Amendment to change Lot 1, Block 2 from HDR, High Density Residential to MDR, Medium Density Residential. Resolution 2022-022**

**2. An Ordinance rezoning Lot 1, Block 1 and Lot 1, Block 2 from A, Agricultural District to R-3B/PUD, Multiple Family Residential Planned Unit Development District. Ordinance 1423**

**3. A Resolution relating to a Preliminary Plat for a three lot, four outlot plat and Preliminary PUD Development Plan for a 253-unit residential development over Lot 1, Block 1 and Lot 1, Block 2 to be known as At Home Apartments. Resolution 2022-023**

City Administrator Wilson stated city Staff is requesting that Agenda Item 6C the Land Use Applications related to the At Home Apartments Complex be continued to the February 14<sup>th</sup> meeting. The Developer has agreed to extend some additional time. This has already been extended once. The extension would give another 30 days. The reason for the extension is in receiving comments from the public over the weekend and during Monday's workday, numerous comments have been raised in regard to 67<sup>th</sup> Street and its extension from Argenta Trail and South Robert. There are questions regarding the timing and funding of that Collector Street being built. She does not expect the development itself to change in terms of what is being proposed for construction, issues surrounding the park, and units. This is the city's only opportunity to work out any contributions the Developer would make to 67<sup>th</sup> Street. If and when the City Council approves the preliminary plat, the window of opportunity to work out the funding and the timing of 67<sup>th</sup> Street closes. Staff wants to make sure that everyone; the Developer, city, neighboring residents, are all on the same page and have the same information and expectations in regard to 67<sup>th</sup>. Staff asks for a continuance to February 14<sup>th</sup>, 2022.

Leanna Stefaniak, At Home Apartments, 1289 Grand Avenue, St. Paul, introduced herself.

Mayor Bartholomew asked Ms. Stefaniak if it were her understanding that this would be continued to February 14<sup>th</sup> to resolve further questions. Ms. Stefaniak responded yes.

**Motion by Piekarski Krech, second by Dietrich, to table the following actions to February 14, 2022, for property located in the northwest quadrant of Hwy 3 and 70th Street:**

- 1. A Resolution 2022-022 approving a Comprehensive Plan Amendment to change Lot 1, Block 2 from HDR, High Density Residential to MDR, Medium Density Residential.**
- 2. An Ordinance 1423 rezoning Lot 1, Block 1 and Lot 1, Block 2 from A, Agricultural District to R-3B/PUD, Multiple Family Residential Planned Unit Development District.**
- 3. A Resolution 2022-023 relating to a Preliminary Plat for a three lot, four outlot plat and Preliminary PUD Development Plan for a 253-unit residential development over Lot 1, Block 1 and Lot 1, Block 2 to be known as At Home Apartments. Resolution 2022-023**

**Ayes: 5**

**Nays: 0      Motion carried.**

The City Council took a five-minute recess at 7:29 p.m. The Council was back in session at 7:35 p.m.

**D. Discussion of Heritage Village Park next steps.**

City Administrator Wilson stated this item was a discussion item, something typically brought to a Work Session rather than a regular meeting. Because there were meetings with only 4/5 present, Staff wanted to present at this meeting to have the full Council available. There is a timing piece to it. There are no formal decisions that need to be made about Heritage Village Park or spending more money on the park. Staff is looking for further direction on what may come next with Heritage Village Park and how that may play into Legislative positions and platforms. She stated that is the remaining item on the Council’s Agenda to take action on, to adopt the Legislative Priorities and Positions. Staff wants to represent the will of the Council when asked by Legislators, Lobbyists, and groups they belong to. They are hoping to arrive at more clarity as far as what the Council would like the City Administrator and Parks and Recreation Director Adam Lares to do in that regard. She said the Parks and Recreation Director has an overview of Heritage Village Park and some possible next steps to present. After that the Council would return to an action item which is Adoption of the Legislative priorities.

Mayor Bartholomew wanted the public to know that Adam Lares is the new Parks and Recreation Director.

Parks and Recreation Director Adam Lares gave the following presentation on Heritage Village Park:

- The 65-acre park is located in the northeast area of the city.
  - East of Concord Boulevard
  - West of Doffing Avenue
  - North of 65<sup>th</sup> Street
  - West of the Mississippi River and Rock Island Swing Bridge Park

Park Development:

- Has been in development efforts for the past 15+ years.
- Phases 1, 2, and 3 have been completed to date.
- Former contaminated railroad site.

- Has met the satisfaction of the Minnesota Pollution Control Agency (MPCA) for remediation/capping of environmental contaminants.
- The Dog Park opened in 2019.

Funding for Phases 1, 2, & 3 are complete. Funding sources that brought it to completion:

- Dakota County: \$1,792,000
- MN DNR Grant: \$201,852
- 2 MN DEED Grants: \$831,250
- State Bonding: \$2,500,000
- Community Development Block Grant: \$69,381
- Park Acquisition & Development Fund: \$284,749
- Total: \$5,679,232

The Focus this evening will be on Phases 4 & 5:

Phase 4:

- Roundhouse Shelter
  - "C" Shape
- Bench Covering
  - Located north of the Roundhouse Shelter
- Restroom Building
- Drinking Fountain
  - Restroom and Drinking Fountain would be located to the left of the Roundhouse Shelter
  - An additional pumphouse will be included in the Restroom area for the buildout of the Splash Pad
- Concrete Pavement
- Railroad Walkways
  - Coming out of the Roundhouse Shelter there are tracklike features, railroad track pathways
  - Pays homage and heritage to the rail station that was there before
- Landscaping

To note: Curbing has already been installed from the completion of Phase 3.

- The buildings in Phase 4 are the primary park buildings that will provide the necessary infrastructure to support the existing improvements and prepare for future phases.
- The Roundhouse Shelter is designed to recall the railroad that once existed on the site.
  - It can accommodate roughly 9 picnic tables beneath the shelter and 4 additional picnic tables on the concrete pad.
- Plans and specifications are 99% complete.

Phase 4 - Estimated Cost:

- Total Cost: \$1,340,625
- Proposed Revenues:
  - DNR Grant = \$250,000
  - City = \$1,090,625

Breakdown of Project Cost - Phase 4 was shown.

DNR Grant - Phase 4:

- The City Council approved applying for the DNR Grant on March 8, 2021
- On June 30<sup>th</sup>, 2021, the DNR awarded the Grant to the city in the amount of \$250,000
- Currently, waivers have been given to start the project without agreement
- At this point, the Grant has yet to be accepted by the City Council
- Grant funds expire in 2023.

DNR Grant - Notables:

- Phase 4 is in the scope of the project that was described in the Grant Application

- The scope of the project needs to remain consistent with the Grant Application
- Total Phase 4 estimated cost is \$1,340,625

A diagram was shown of what the current state of the park would look like if Phase 4 was completed.

Phase 5:

- Inclusive Playground
  - Play stations to the left and to the right of the bench covering
  - If under the bench covering, able to look out and see children at play in both areas
- Inclusive Splash Pad
  - South of the Roundhouse Shelter
- Extending the Parking Lot
  - Currently ½ complete
  - Will include an exit
  - There would be an entrance, exit, and additional parking spaces

Inclusive Playground:

- Design will incorporate themes such as the historic railroad, lift bridge, and the old village
- Accessible for all ages and ability levels
- Two separate play areas:
  - 2-5-year-olds
  - 5-12-year-olds

To note: The curbing for each play area was installed as a part of Phase 3.

Inclusive Splash Pad:

- Safe for all ages
  - No risk of drowning
- Accessible for all ages and ability levels
  - No depth
  - Zero entry
  - Inter-generational site. Allows for individuals of different abilities to come in with children/grandchildren and not actually have to be in the water so they can safely participate with children/grandchildren
- Uses a "Recycling System" to clean and reuse water with a filtration system located in the bath house
  - Operate on timers by Staff each season
  - Play features are activated by the user. Once activated, they would be on timers

Phase 5 - Estimated Cost:

- Total Cost: \$2,646,800
- Proposed Revenue:
  - MN Bonding = \$2,000,000
  - City = \$646,800

Breakdown of Project Costs - Phase 5 was shown.

Park Acquisition and Development Fund: This is where the Park Dedication Fees are deposited.

- As of December 31, 2021: \$3,517,370
- Transfer In - January 24, City Council Meeting: \$1,231,814
- Remaining Expenses for Vista Pines Park: -\$90,191
- NWA - Peltier Pocket Park (estimated): -\$500,000
- NWA - Highlands Pocket Park (estimated): -\$500,000
- NWA - At Home Apartments Park (estimated): -\$1,000,000
  - Subtotal: \$2,839,374
- Phase 4 HVP (after DNR Grant): -\$1,090,625
  - Remaining Balance: \$1,748,749 to work with for future development of parks

Staff Recommendation:

- To proceed with the steps necessary to accept the DNR Grant for Phase 4 and to prepare plans, specs, and bid documents for Phase 4.
- That the city support Legislation providing \$2 million dollars in State Bonding for Phase 5 with an exemption from the standard match requirements as our second priority for Bonding Funds.
- Staff believes that substantial public investment has been made to get the park to this point. Phases 4 and 5 are needed to fully realize the benefits of the park investment.
- The park complements and supports economic redevelopment of the Concord Boulevard area.
- Provides large community gathering space and new recreational amenities for our residents.

City Administrator Wilson provided further information about the balance of the Park Acquisition and Development Fund as follows:

- The estimated amounts for the three northwest area parks are a very broad high-level estimate.
  - There is a good chance some of the pocket parks could come in less than that.
  - Staff wanted to make sure they were setting aside plenty of money to make sure those could get done.
  - This is not a commitment to spend those dollar amounts in those parks. They are not fully designed yet.
  - These estimates were based on the size of those parks and the acreage.
- The Fund does not reflect any added revenue into this Fund.
  - At the rate developing and being built, there is money flowing into this Fund on a regular basis.
  - Over \$1 million dollars in Park Dedication Fees came into this Fund in 2021.
  - With the number of lots platted, Staff expects to see that revenue continue.
- The remaining balance is not a static number. It would grow with revenues into the fund.

She stated the city has spent money to prepare plans and specifications for Phase 4 which is 99% done. Grants were applied for with the DNR with Council's approval in March and have since then been awarded that Grant. Staff is looking for some discussion and if there are other questions or information the Council feels it needs regarding Heritage Village Park. If accepting the DNR Grant and getting it built and spent by 2023, Staff needs some understanding about where Council would like to be at. She said the Council does not have to accept the Grant. They do not have to build Phase 4. The plans and specifications designed to date could be saved and brought back at a later date. She stated it was not very good for future Grant chances to apply for a Grant and not accept it. It does not always reflect the best on a Grant Applicant, it is within the Council's purview and right as policy makers to decide differently. She mentioned Staff needs to start moving towards some direction about what the Council wants done rather than leaving things hanging. Staff is hoping for discussion. She said if there was more information the Council needs to decide which way to go, Staff is happy to gather that and bring it back to the Council. Staff is looking for discussion and direction.

Mayor Bartholomew asked to view the slide listing of what is remaining on Phase 4. He said Phase 4 is just the content including: Roundhouse Shelter, Bench Covering, Restroom Building, Drinking Fountain, Concrete Pavement, Railroad Walkways, and Landscaping. The DNR Grant is for that. Parks and Recreation Director Lares responded it is a combined package. The DNR does not just cover that portion of it, it is a combination. This is the scope.

Councilmember Dietrich referenced the slide that was shown with the Acquisition and Development Fund. She referenced the numbers for the four newest parks questioning if that would be a finished product, the most those would cost. Parks and Recreation Director Lares replied those are very estimated costs. Within reason they are very conservative.

Councilmember Dietrich commented it would be play structures, excavating, a finished product would need to be done for all of them. Parks and Recreation Director Lares responded yes, but Vista Pines is almost complete. The remaining three are not developed or with Master Plans yet, those show conservative costs.

Councilmember Dietrich asked where they can get an idea on the maintenance costs of these and the existing parks. Costs and what fund that is being saved in. Parks and Recreation Director Lares responded he could put together an estimated cost of operations for what they currently have in front of the Commission for Vista Pines Park and Heritage Village Park. There is not a Master Plan for what each operating park costs at this point but can go in that direction. He said that is one of the goals he plans on moving forward with, along with the Parks Superintendent, to figure out exactly what each park costs to operate. Staff could also do that with Heritage Village Park and any remaining parks. He said as they continue to grow in the northwest area and across the city, all of those operating costs have to be put into consideration as they develop them.

Councilmember Dietrich asked if the pumphouse for the splash pad would be completed in Phase 4. Parks and Recreation Director Lares responded that part of the restroom construction includes the pumphouse.

City Administrator Wilson said it would be a vacant room that is under the roof of the restroom. They were not going to buy the pumping. The shell of where it would be housed would be created.

Councilmember Dietrich said that was what she was wondering, in the event Phase 5 did not happen for a few years and/or technology changes.

Councilmember Dietrich stated there were two things that bothered her. One was that Heritage Village Park was put on their priorities against Council's wishes, leaving a bad taste in her mouth. She referenced the curbing done in Phase 3 and said she specifically asked for that to be pulled out of the bid and it was approved and on recorded television. She sees that the curbing has in fact been put in. She does not anticipate with the turnover in key staffing positions that this would happen again, but it is a big concern to her.

Councilmember Gliva referenced Phase 1 to Phase 5 and asked how much has been invested in this park total. Parks and Recreation Director Lares responded Phases 1-3 were a little over \$5.6 million dollars. City Administrator Wilson replied that Phase 4 was \$1.3 million dollars and Phase 5 is estimated at \$2.6 million dollars. That equals about \$9.5 million dollars total. A little under \$2 million dollars of that would be city funds if successful at this Legislative Session or a future session in getting an additional \$2 million in bonding.

Councilmember Murphy asked what the big-ticket item was in Phases 1-3 to cost \$5.6 million dollars. If it was the clean up or land. City Administrator Wilson replied Staff could dig deeper, neither herself or Parks and Recreation Director Lares have that background at the moment. She said money was spent to acquire the sites. Councilmember Piekarski Krech replied the dirt that was brought in was brought in from other projects, they did not pay for the actual dirt being brought in. They did pay for excavating.

Councilmember Piekarski Krech said someone came up with the idea for this park, it moved far faster than she ever thought it would because it was going to develop slowly as they had the money for it. Then Grants were applied for among other things. It is a big park.

Councilmember Dietrich mentioned that this is a good product. She looks at her role as local Governance and Public Safety and infrastructure is first. This is desirable, but she is looking at how difficult and the time it took to get \$500,000 allotted for pavement management. Now they are talking \$2 million dollars. She said she cannot square that up.

Councilmember Murphy said he struggles with the cost, how it started, and what it looks like now. He said it is important to build these kinds of things out. He did not think they were in a position to turn down money coming in. He personally thought Phase 4 made sense. He asked if the value was there. This started out as their heritage, the City Hall and School House were supposed to be there. They are \$5.6 million dollars into it with more to come. He asked if people would be able to go to the park and say this is where Inver Grove started and reference the School House and City Hall. He said he knew it would cost more money to move it. He is struggling with the value of it.

Councilmember Piekarski Krech said she did not believe that was in the plan anymore. This is probably the 6<sup>th</sup> or 7<sup>th</sup> iteration. Somewhere along the line the historical part of it was thrown out.

Parks and Recreation Director Lares addressed the School House and the Town Hall stating those are what he considers beyond Phase 5. There are estimated costs to bring it fully to completion. Currently the estimated value is a little over \$1 million dollars. He believes the estimated costs to move the Town Hall and School House onto the property were pretty low. He felt it would go well beyond the estimated \$1 million dollars.

Councilmember Piekarski Krech did not believe those buildings would be able to be used anymore. She believes they waited too long. Parks and Recreation Director Lares said they are in dire repair. To get them safe to Code, and to be able to have people enjoy them as historical sites would be challenging, it can be done but would be at an extreme cost. He said there is the opportunity to build something in its likeness to reflect its heritage, that is a decision for the Council to make.

Councilmember Gliva commented if accepting the Grant and moving forward, she questioned if Phase 4 would move forward in the spring. City Administrator Wilson responded there are a number of other park projects in play. Vista Pines Park needs to be completed. The Council will be seeing, in February or early March, a proposed development of South Valley Park. As an existing park, South Valley Park is funded in a different fund. Staff would likely recommend completing the portion of the plans and specifications that are left to get them from 99% to 100% and possibly bidding it in the fall for construction starting early 2023 to get it done in 2023 to meet the deadline for the DNR Grant. Some earth moving could be done this fall if they can get going on it. It will not break ground this June with where it is at today and other projects they have to bring to completion.

Councilmember Murphy said he felt like it needs to move forward. He struggles with what that might look like. He did not think they are in a position to turn down the Grant at this point. He asked if they have to stick with Phase 4 based on what was put on the Grant Application. Parks and Recreation Director Lares responded that was correct.

Councilmember Murphy said that leaves Phase. If Council decided to tweak Phase 5, they still have that ability. Parks and Recreation Director Lares replied that was correct.

Mayor Bartholomew asked City Administrator Wilson what they were looking to accomplish with this discussion. He said his sense was to move along with Phase 4 in particular if not breaking ground until 2023, it was still \$1 million dollars out of our pockets. The point was to take or not take the Grant. He agreed with construction and needing to do Phase 4, it is an integral part. He said he would support

moving forward and at least using the Grant because the construction remaining in Phase 4 is the final leg before exploring other opportunities for the area. He asked if this needed to be put as an Agenda Item or a Work Session. He asked for direction. City Administrator Wilson responded if that were the direction of Council, Staff would confirm with WSB, who has built the plans and specifications to date, what is needed to bring them to completion. As soon as they are complete, Staff would bring them forward for the Council to approve the plans and specs, direct Staff to seek bids, and then continue dialog with the DNR. She mentioned it has been confusing. Usually, they reward a State Grant and want the city to enter into a Grant Agreement, something that would be a Council Agenda Item. She said it has been murky on this project, where that document is, why they are not pushing the city to accept. If the intent of the Council is to accept the Grant, she and the Parks and Recreation Director would connect with the DNR and figure out what formal steps are needed. There could be a Resolution on a future Agenda for the Council.

Mayor Bartholomew asked if the City Administrator intended to find out what the Grant status was before pushing WSB for final. City Administrator Wilson responded they can order it that way. Mayor Bartholomew believes that was wise. If the Grant has gone away, it has gone away, it is good to know.

Councilmember Murphy requested clarification. Mayor Bartholomew replied it was determined to find out where the Grant is, if it is still there. He said City Administrator Wilson or Parks and Recreation Director Lares would get back to the Council with a recommendation as to which would be the next step. He requested it be an action item on the Regular Agenda, not on the Consent Agenda.

Mayor Bartholomew said they were going to see all information regarding the buildup for this. He suggested Finance Director Amy Hove could help with where the dollars came from, what was spent, and invested in this park to this point. He suggested getting together a worksheet and getting it out to the Council. He believed it would be a good historical perspective.

## **E. Adoption of 2022 Legislative Priorities**

City Administrator Wilson said this discussion item is the 2022 Legislative Priorities & Positions document. The Council saw a document that reflected the 2021 priorities and discussed possible changes and edits to it at the January 3<sup>rd</sup> Work Session. This is being brought back hopefully for formal adoption. There are policy statements regarding local control, maintaining that, and the Legislature leaving local decisions to the local level of Government. She said her understanding of the main area of discussion relates to State Bonding.

She said the Council has made it clear to Staff, and Staff has done everything it can, to make it clear to both Lobbyists and Legislators that the Number #1 priority is the Reconstruction of 117<sup>th</sup> Street. She said this is another example of the city trying to maximize Grant Funding they have been able to receive. It is estimated that 117<sup>th</sup> Street is a \$15 million dollar project, has a sizeable Federal Grant and money coming from Dakota County towards that. The city is requesting \$2 million dollars in State Bonding support which would be the final piece financially for 117<sup>th</sup> Street.

She said the question is what, if anything, the Council wants the Lobbyist, herself, and Staff to take as a position in regard to Heritage Village Park. She has drafted something for Council consideration related to Heritage Village Park and the Inclusive Playground and Splash Pad. It can be edited, removed, or kept as is. She is trying to make sure they are all on the same page.

Mayor Bartholomew asked if Staff has heard anything related to Bonding from the Representative or Senator regarding Heritage Village Park. City Administrator Wilson responded no. The Legislature goes

into Session a week from tomorrow. The Bill introduced by non-city sources last Legislative Session remains in play because this year is the second year of an Official Session. It is still there and could be pulled up and placed on the Agenda for a Hearing at any time. Communication had with Legislatures was back in November when the House Bonding Committee was doing a tour out at Heritage Village Park. She said herself, Councilmember Murphy, Dietrich, Piekarski Krech, and Staff went out to talk with Legislators on the tour about Heritage Village Park and 117<sup>th</sup> Street. She has not advocated for or against. There has not been much action; next week things will start moving.

Councilmember Dietrich mentioned Legislators for our District were not on that tour. City Administrator Wilson responded that was correct. She said Representative Richardson is the Sponsor of the Heritage Village Bonding Bill and Senator Klein. She was unsure if he was a Co-Sponsor, but he is 100% aware of it.

Mayor Bartholomew said the question is if they leave it in, drop it out, or leave it in with a caveat. City Administrator Wilson agreed those were the choices.

Mayor Bartholomew said to leave it out. He was fine with leaving it out. He said history has told them that they will do what they want anyway.

City Administrator Wilson said if leaving it out of the Legislative Priorities and receive a call that it is being scheduled for a Hearing, if he would expect Staff to pass on participating in that Hearing. Mayor Bartholomew responded he would not join. He said he would leave that to the other Councilmembers, but he would not get in that dog fight again. If Councilmembers were ok with Staff taking the call, he was ambivalent. If we are not going to be serious, do not want it, take it out of there.

Councilmember Dietrich said it was an odd situation because the Council works for the residents, they work for us, yet they did this. It gets turned around where the narrative becomes not passing on this because they were going to bat for the city. She said it has been messy and grey from the beginning. She does not support it.

Councilmember Piekarski Krech asked if she could suggest an edit. She suggested Priority is Reconstruction of 117<sup>th</sup>. Take out 2<sup>nd</sup> Priority, take out 1<sup>st</sup> up on top. Just have the Inclusive Playground there, because they know it is already a bill. It is not the Council's Priority. The Council's Priority is 117<sup>th</sup> Street.

Councilmember Gliva asked if leaving it in there, are they expecting that there would be a match we would have to match. She would not be for that.

City Administrator Wilson suggested in a sentence that says, "this request for \$2 million in State Bonding support would fund construction of". She would say "of a \$2.6 million-dollar Inclusive Playground and Splash Pad". That makes it clear the magnitude/percentage of the project that is being funded. She responded that the city does not need to match \$2 million with \$2 million, Phase 5 does not cost \$4 million dollars. She said Staff just showed our ability to fund Phase 4 and still have money for the northwest area, we cannot count on having another \$2 million there without spending money they do not yet have. There will be more parks.

Councilmember Murphy said he liked the edits Councilmember Piekarski Krech suggested. He hesitates to take it off as other Counselor's have said they would do what they want. He said they are not ready to make a decision now but was unsure they want to pass it up if it does happen. He said our frustration and disappointment in how it happened, may blind the Council to the opportunity. He said he does not have any experience. He asked in this situation, if it has come back as Option 2 more often

than not. He asked if there were examples. He knew there was more sizzle around the second one and a lot more people can take credit for the little work that they did. He said #1 is absolutely needed. He asked if anyone had any examples about how often that happens. Mayor Bartholomew responded he does not have any historical. Councilmember Piekarski Krech responded it depends on the money they are putting out there and how much the different Legislators go to bat for different items. She suggested getting on the Legislative group and tell them we better get funding for 117<sup>th</sup> Street because this is critical.

Councilmember Dietrich said she would hate to see this come back to the Council and it becomes the same conversation, but differently worded. Such as "you have the money, like a coupon, but now you have to match it." She said then it was like, you do not want to turn that down because it has been given to the city. She said she has seen this get too far down the road and then it just keeps snowballing. She would hate to see that. The city does not have the funds. She mentioned the residents spoke today about the roads. Infrastructure has to be addressed.

City Administrator Wilson said it has become clear to her, listening to the Council this evening and with previous conversations, that Staff's marching orders are that we would be clear. The city does not have money to match this. The city would like to build out this amenity in our community, but there are other demands for our resources. She said if put on the spot or at the podium, Staff would talk about what they have already done to invest in Heritage Village Park and the money they are looking at spending on Phase 4. Those ways in which the city has invested in this park. Staff would make it clear.

Councilmember Piekarski Krech said it was a Regional amenity; it is not just for the residents of Inver Grove Heights. She questioned if they needed to push the County representatives a little bit more. If the County would get a little more involved there. She mentioned that the County built the Trailhead and have done some things along the trail, how about investing in a Regional amenity. She said she did not think Dakota County sponsors an Inclusive Playground anywhere of which she was aware. Some of the cities have one, she did not believe there was a County one.

City Administrator Wilson said she did a little digging and research on Dakota County's website to better educate herself about County Parks and Regional Parks. It says their definition of Regional Parks is 200 to 500 acres with an absolute minimum of 100.

Councilmember Piekarski Krech said it was not a Regional Park, it was a Regional Amenity.

City Administrator Wilson said that would be the argument. Everything that receives State Bonding is supposed to have benefits beyond the borders of the community in which it is being funded. That is the inherent argument in any local request for State Bonding dollars.

Councilmember Dietrich appreciated the work the City Administrator has done on this and thanked her for articulating it that way. She said she got the feeling the City Administrator knows exactly where the Council stands.

Councilmember Piekarski Krech said the community has been kind of silent again; there was something originally. She mentioned a little town in Clayton, Wisconsin, that built an Inclusive Playground, not as big as this one, but they did it all with volunteers and donations because the community and people were behind it. They built their little park, the Parks and Recreation gave the land, a majority of that playground was built with community money. Fundraisers were done.

City Administrator Wilson said she made the changes that Councilmember Piekarski Krech suggested about the priority and making it clear they are seeking \$2 million dollars toward a \$2.6 million dollar project. She said the remaining items speak to:

- Transportation Funding
- Support of the Organizations to which we are a member:
  - League of Minnesota Cities
  - Municipal Legislative Commission
  - Metro Cities
- Additional Legislative Positions:

These are existing positions that were in the 2021 Platform, many go back many years. Long standing positions. None of them are highly projected to be hot topics at this year's Legislative Session. They are still our positions if an unexpected Bill came up and started gaining steam, we would talk to our Legislators about that Bill within the guidance the statements provide.

They include:

  - A. Fiscal Disparities
  - B. Support Local Control/Reduce Unfunded Mandates
  - C. State Property Taxes
  - D. Public Employees Retirement Association (PERA)

Councilmember Piekarski Krech said she wished they would do Item B.

Councilmember Murphy asked if Item B had been on there awhile. City Administrator Wilson responded that it has been on there for a number of years. The Data Practices Act, as it currently exists and operates, has placed some real strain on local Governments.

Councilmember Dietrich stated the additional all looked good.

City Administrator Wilson said she had nothing else to report unless the Council would like to see any other edits to the document before acting on it.

Mayor Bartholomew said he would like to see Priority #2 drop, but that was just him. He said he would support what the rest of the Council would like to do.

City Administrator Wilson mentioned this was an action item and would need a Motion to approve.

Mayor Bartholomew said before the Council is the Draft for Council consideration regarding Legislative Priorities. He asked the Council if there was further information or concerns to add. If not, they can make a Motion to approve the Draft for the Legislative Priorities and Position.

City Administrator Wilson said the Motion should state a Motion to approve as amended because there were a few changes made from what was published in the packets.

Councilmember Murphy asked if they should vote specifically for #2.

Councilmember Piekarski Krech said she was hoping our Legislator's hear us. Mayor Bartholomew responded they do not.

**Motion by Piekarski Krech, second by Murphy, to approve the Adoption of the 2022 Legislative Priorities as Amended.**

Mayor Bartholomew asked if it took 3 to approve. Response off camera was yes.

**Ayes: 5**

**Nays: 0      Motion carried.**

**7. PUBLIC COMMENT:**

There were no public comments.

**8. MAYOR AND COUNCIL COMMENTS:**

Councilmember Dietrich updated the Council on the Pavement Management Citizen's Task Force. They would be meeting again this Thursday. They are making real headway, have had some good speakers, it has been an education as well as thought provoking conversations. They are narrowing down how they are going to move forward towards making a recommendation.

Councilmember Dietrich wanted to let residents know that she would be working out of State for the month of February, but she will be working. She asked to continue emailing her and staying in contact with anything that is important.

City Administrator Wilson said there is a new face in the Council Chambers this evening. She introduced and welcomed the new Public Works Director, Brian Connolly. Today is his very first day. He will be jumping in and getting involved in the Pavement Management Plan, Utility Rate Study, the Citizen's Task Force, and the day-to-day operations in the Public Works Department. Staff is very excited to have him.

Public Works Director Brian Connolly said he is very happy to be here and be given the opportunity to serve the Council and the City of Inver Grove Heights as the new Public Works Director. It is his first day. He has been meeting with a lot of the Department Heads and will continue to do that through the remainder of the week, along with the members of the Public Works and Engineering team. He said he would be attending the Citizen's Task Force on Thursday. He is looking forward to getting involved in that process and is looking forward to working with Councilmember Dietrich and the rest of the Committee members. He thanked Interim Public Works Director Klay Eckles and what he has been able to do in the past nine plus months in the Interim position. He said he is looking forward to meeting with Klay again later this week to get his thoughts.

Mayor Bartholomew mentioned that Mr. Connolly's hands will be full. The opportunities are a lot.

Councilmember Dietrich mentioned that he is starting during snow plowing season.

Mayor Bartholomew stated the city has the best snow removal in the Twin Cities area.

**9. ADJOURN:**

**Motion by Gliva, second by Piekarski Krech, to adjourn the meeting at 8:31 p.m.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Minutes prepared by Recording Secretary Sheri Yourczek